

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 21, 2019

SEAN F. MCAVOY, CLERK

TRACIL.,

No. 1:18-CV-3185-JTR

v.

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 18. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Brett E. Eckelberg represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 18**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the administrative law judge (ALJ) will hold a *de novo* hearing, further develop the record as necessary, and issue a new decision. The ALJ shall:

- (1) further develop the record in order to obtain the documents related to the state agency determination at the reconsideration level and as otherwise needed;
- (2) reevaluate Plaintiff's obesity pursuant to Social Security Ruling 02-1p;
- (3) reassess Plaintiff's residual functional capacity (RFC) in light of the opinion

1 evidence, including the medical opinion evidence by treating and nontreating
2 sources; (4) reassess other steps of the sequential evaluation process in light of the
3 new RFC; and (5) as warranted, obtain evidence from a medical expert and/or a
4 vocational expert. Plaintiff may present additional testimony and submit additional
5 evidence.

6 2. **Judgment shall be entered for PLAINTIFF.**

7 3. Plaintiff's Motion for Summary Judgment, **ECF No. 13**, is
8 **STRICKEN AS MOOT.**

9 4. An application for attorney fees and costs may be filed by separate
10 motion.

11 The District Court Executive is directed to enter this Order, forward copies
12 to counsel, and **CLOSE THE FILE.**

13 DATED May 21, 2019.



A handwritten signature in black ink, consisting of stylized, flowing letters that appear to read "J. T. Rodgers".

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JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE